

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH RAMOS,
Plaintiff,

v.

PRIME CARE MEDICAL, et al.,
Defendants.

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CIVIL ACTION NO. 19-3816

ORDER

AND NOW, this 9th day of December, 2019, upon consideration of Plaintiff Joseph Ramos's Motion to Proceed *In Forma Pauperis* (ECF No. 6), Prisoner Trust Fund Account Statement (ECF No. 7), and Complaint (ECF No. 1), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Ramos, #MK-1029, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Phoenix or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Ramos's inmate account; or (b) the average monthly balance in Ramos's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Ramos's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Ramos's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court shall **SEND** a copy of this Order to the Superintendent of SCI Phoenix.

4. The Complaint is **DEEMED** filed.

5. For the reasons set forth in the Court's accompanying Memorandum, Ramos's Due Process claim is **DISMISSED WITH PREJUDICE** and his claims against Prime Care Medical, Correct Care Solutions, and individual Defendants Wloczewski and O'Neill are **DISMISSED WITHOUT PREJUDICE**.

6. Ramos is granted thirty (30) days to file an amended complaint in the event he can allege additional facts to state a plausible claim against Defendants Prime Care Medical, Correct Care Solutions, Wloczewski, and O'Neill. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Ramos's claims against each defendant, and shall bear the title "Amended Complaint" and the docket number 19-3816. If Ramos files an amended complaint, his amended complaint must be a complete document that includes all of the bases for Ramos's claims, including the claims that the Court has not yet dismissed, if he seeks to proceed on those claims. When drafting his amended complaint, Ramos should be mindful of the Court's reasons for dismissing his claims, as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. If Ramos does not file an amended complaint, or if he advises the Court that he opts to proceed only on the claims that have passed § 1915 screening, the Court will direct service of his initial Complaint on Defendants Foley, Albright, Hanuschak, Campbell, Hans, Fick, and Preston.

BY THE COURT:

/s/ C. Darnell Jones, II
C. Darnell Jones, II J.